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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,410	06/01/2000	Mark Clark	00 P 7661 US	6338

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Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

NAHAR, QAMRUN

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 07/14/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/586,410

Applicant(s)

CLARK ET AL.

Examiner

Qamrun Nahar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This action is in response to the amendment filed on 4/17/03.
2. The objection to claim 17 is withdrawn in view of applicant's amendment.
3. The rejections under 35 U.S.C. 112, second paragraph to claims 2 and 12 are withdrawn in view of applicant's amendment and remarks.
4. Claims 2, 12 and 17 have been amended.
5. Claims 1-18 are pending.
6. Claims 1, 6, 11, and 16 stand finally rejected under 35 U.S.C. 102(b) as being anticipated by Chang (U.S. 5,230,049).
7. Claims 2, 7, 12, and 17 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (U.S. 5,230,049) in view of Bapat (U.S. 5,291,583).
8. Claims 3-5, 8-10, 13-15, and 18 stand finally rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (U.S. 5,230,049) in view of Bapat (U.S. 5,291,583), and further in view of Applicant Admitted Prior Art (hereinafter AAPA).

Response to Amendment

Claim Objections

9. Claim 2 is objected to because of the following informalities: it is missing a period.
Appropriate correction is required.

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Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 6, 11, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (U.S. 5,230,049).

Per Claim 1:

The Chang patent discloses:

- **a system** (“system” in column 2, lines 46-47 and Fig. 1)
- **a translator adapted to translate between extended grammar constructs of a machine readable language and basic grammar constructs of said machine readable language** (“pre-compiler” in column 2, lines 53-68 to column 3, lines 1-6, pre-compiler is interpreted as a translator; supplemental language is interpreted as extended grammar constructs; and host language is interpreted as basic grammar constructs)
- **a compiler coupled to receive an output of said translator for compiling code written in said basic grammar constructs** (“The modified source file 22 can then be compiled by a host language compiler 24” in column 3, lines 13-16).

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Per Claim 6:

This is a method version of the claimed system discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above, including “a first source file” (column 2, lines 59-60), and “a second source file” (column 3, lines 3-6). Thus, accordingly, this claim also would have been anticipated by Chang.

Per Claim 11:

This is a method version of the claimed system discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim also would have been anticipated by Chang.

Per Claim 16:

This is a computer-readable computer program product version of the claimed system discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim also would have been anticipated by Chang.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2, 7, 12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (U.S. 5,230,049) in view of Bapat (U.S. 5,291,583).

Per Claim 2 (Amended):

The rejection of claim 1 is incorporated, and further, Chang does not explicitly teach that the machine readable language comprises an Abstract Syntax Notation One (ASN.1) standard. Bapat teaches that the machine readable language comprises the Abstract Syntax Notation One (ASN.1) standard (column 3, lines 10-16).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the system disclosed by Chang to include the machine readable language comprising the Abstract Syntax Notation One (ASN.1) standard using the teaching of Bapat. The modification would be obvious because one of ordinary skill in the art would be motivated to use standardized data structure protocol.

Per Claim 7:

This is a method version of the claimed system discussed above, claim 2, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim also would have been obvious.

Per Claim 12 (Amended):

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This is a method version of the claimed system discussed above, claim 2, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above.

Thus, accordingly, this claim also would have been obvious.

Per Claim 17 (Amended):

This is a computer-readable computer program product version of the claimed system discussed above, claim 2, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim also would have been obvious.

14. Claims 3-5, 8-10, 13-15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (U.S. 5,230,049) in view of Bapat (U.S. 5,291,583), and further in view of Applicant Admitted Prior Art (hereinafter AAPA).

Per Claim 3:

The rejection of claim 2 is incorporated, and further, neither Chang nor Bapat explicitly teaches that the basic grammar constructs comprises X.680 grammar constructs. AAPA teaches that the basic grammar constructs comprises X.680 grammar constructs (pg. 1, line 32).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the system disclosed by the combination of Chang and Bapat to include the basic grammar constructs comprising X.680 grammar constructs using the teaching of AAPA. The modification would be obvious because one of ordinary skill in the art would be motivated to use a common basic compiler.

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Per Claim 4:

The rejection of claim 3 is incorporated, and further, neither Chang nor Bapat explicitly teaches that the extended grammar constructs comprises at least one of X.681, X.682, or X.683 grammar constructs. AAPA teaches that the extended grammar constructs comprises at least one of X.681, X.682, or X.683 grammar constructs (pg. 1, lines 27-31).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the system disclosed by the combination of Chang and Bapat to include the extended grammar constructs comprising at least one of X.681, X.682, or X.683 grammar constructs using the teaching of AAPA. The modification would be obvious because one of ordinary skill in the art would be motivated to develop applications using other grammar constructs.

Per Claim 5:

The rejection of claim 4 is incorporated, and Chang further teaches that the translator comprising one or more lookup tables (column 3, lines 1-6 and Fig. 1, item 36).

Per Claim 8:

This is a method version of the claimed system discussed above, claim 4, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim also would have been obvious.

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Per Claim 9:

This is a method version of the claimed system discussed above, claim 3, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above.

Thus, accordingly, this claim also would have been obvious.

Per Claim 10:

This is a method version of the claimed system discussed above, claim 5, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above, including “equivalent constructs” (Chang, column 3, lines 1-6). Thus, accordingly, this claim also would have been obvious.

Per Claims 13-15:

These are method versions of the claimed system discussed above (claims 3, 4, and 5, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims also would have been obvious.

Per Claim 18:

This is a computer-readable computer program product version of the claimed system discussed above (claims 3 and 4), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim also would have been obvious.

Response to Arguments

15. Applicant's arguments with respect to claims 1-18 have been fully considered but they are not persuasive.

In the remarks, the applicant argues that:

a) In contrast, Chang has nothing whatsoever to do with a language having basic grammar constructs and extended grammar constructs. Instead, Chang relates to examining a file containing C code and SQL statements. Such SQL statements cannot in any way be considered a grammar construct of the programming language. Indeed, Chang explicitly states that SQL statements are "substantially different in format from programming statements used in languages such as C and COBOL." Col. 1, lines 40-42. Thus, Chang does not appear to have anything to do with, for example as recited in claim 1, "a translator adapted to translate between extended grammar constructs of a machine readable language and basic grammar constructs of said machine readable language." Indeed, Chang does not appear to even recognize the desirability of providing such a translator. As such, the Examiner is respectfully requested to reconsider and withdraw the rejections.

Examiner's response:

a) Examiner strongly disagrees with applicant's assertion that Chang fails to disclose the claimed limitations recited in claim 1. Chang clearly shows each and every limitation in claim 1. As previously pointed out in Paper no. 2, Chang teaches a translator adapted to translate between extended grammar constructs of a machine readable language and basic grammar constructs of said machine readable language ("pre-compiler" in column 2, lines 53-68 to column 3, lines 1-6,

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pre-compiler is interpreted as a translator; supplemental language is interpreted as extended grammar constructs; and host language is interpreted as basic grammar constructs). In addition, see the rejection above in paragraph 11 for rejection to claim 1.

In the remarks, the applicant argues that:

b) Claims 2, 7, 12, and 17 were rejected under 35 U.S.C. §103 as being unpatentable over Chang in view of Bapat, U.S. Patent No. 5,291,583 ("Bapat"). Applicants respectfully submit that the present invention is not taught, suggested, or implied by Chang or Bapat, either singly or in combination. Bapat is relied on for allegedly teaching ASNA as "a machine readable language." Bapat, however, relates to "storing ASNA object instances in a relational database language such as SQL." Col. 1, lines 21-22. As discussed above, however, ASN.1 and SQL cannot in anyway be considered to be a language having basic grammar constructs and extended grammar constructs, as generally recited in the claims at issue. Indeed, like Chang, Bapat does not appear to even recognize the problem of compiling a file in a language having basic and extended grammar constructs. As such, the Examiner is respectfully requested to reconsider and withdraw the rejections.

Examiner's response:

b) Examiner strongly disagrees with applicant's assertion that the combination of Chang and Bapat fails to disclose the claimed limitations recited in claims 2, 7, 12, and 17. The combination of Chang and Bapat clearly shows each and every limitation in claims 2, 7, 12, and 17. The Examiner has already addressed the applicant's argument in the Examiner's Response

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(a) above. Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In addition, see the rejection above in paragraph 13 for rejection to claims 2, 7, 12, and 17.

In the remarks, the applicant argues that:

c) Claims 3-5, 8-10, 13-15, and 18 were rejected under 35 U.S.C. §103 as being unpatentable over Chang in view of Bapat and further in view of "Applicant Admitted Prior Art (APAA)." Chang and Bapat have been discussed above. Applicant Admitted Prior Art is indicated to merely specify particular ASN.1 grammar extensions. Because, however, APAA fails to relate in any way to a translator as recited in the claims at issue (indeed, that is a very object of the present invention), its combination with Chang and Bapat likewise fails to teach, suggest or imply the present invention. As such, the Examiner is respectfully requested to reconsider and withdraw the rejections.

Examiner's response:

c) Examiner strongly disagrees with applicant's assertion that the combination of Chang, Bapat and Applicant Admitted Prior Art (APAA) fails to disclose the claimed limitations recited in claims 3-5, 8-10, 13-15, and 18. The combination of Chang, Bapat and Applicant Admitted Prior Art (APAA) clearly shows each and every limitation in claims 3-5, 8-10, 13-15, and 18. In response to applicant's arguments against the references individually, one cannot show

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nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In addition, see the rejection above in paragraph 14 for rejection to 3-5, 8-10, 13-15, and 18.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

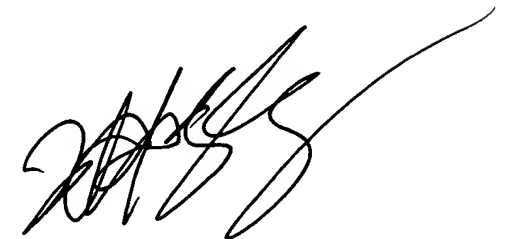
17. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

QN
July 1, 2003

A handwritten signature in black ink, appearing to read 'Todd Ingberg', with a long horizontal flourish extending to the right.

Todd Ingberg
Primary Examiner
Group 2100